



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

June 17, 2021

BY ECF

The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Ethan Phelan Melzer*, S1 20 Cr. 314 (GHW)

Dear Judge Woods:

As the Court is aware, the Government's anticipated Classified Information Procedures Act ("CIPA") submission in this matter is currently due by June 23, 2021. The Second Circuit has held that to protect classified information from disclosure through a CIPA motion, the Government must invoke the "state secrets" privilege, a process that requires the Government to coordinate with various components of both the Department of Justice and other U.S. Government agencies. *See United States v. Aref*, 533 F.3d 72, 80 (2d Cir. 2008) (specifying that the privilege must be "lodged by the head of the department which has control over the matter, after actual personal consideration by that officer" (internal citation and quotation omitted)). In order to allow sufficient time for that process to be completed, the Counterintelligence and Export Control Section of the National Security Division for the Department of Justice has instructed this Office to seek a four-week extension of the Government's deadline to file a motion pursuant to CIPA in this case with respect to certain classified information.

cc: Defense Counsel (by ECF)